

U.S. Application Serial No. 10/619,808

REMARKS

The present amendment is in response to the Official Action dated October 3, 2006, where the Examiner rejected pending claims 1-39 on the alleged grounds of nonstatutory obviousness type double patenting, in view of claims 1-23 of copending US Patent Application No. 10/331,294, even though the conflicting claims are not identical. It is noted that a timely filed terminal disclaimer is compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome a rejection based on nonstatutory double patenting ground in circumstances where the present application and the conflicting application(s) and/or patent(s) are commonly owned. In each instance the present application and the conflicting application(s) and/or patent(s) are commonly owned. Common ownership can be readily established in view of an assignment, which has been filed in each of the applications and/or patents, which commonly assign the same to Motorola, Inc.

Consequently, any alleged double patenting relative to US Patent No. 6,856,792, and US Patent Application Serial No. 10/331,525, has been traversed through the timely filing of the attached terminal disclaimer.

In view of the present response and attached terminal disclaimer, the applicants would respectfully request that the Examiner reexamine and reconsider the presently pending claims, where the claims as presently pending are believed to be allowable over the present rejections.

Respectfully submitted,

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